

## **REMARKS**

The Office Action mailed October 20, 2005, has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

Claims 1-17 are pending. Claims 1, 2, 6, 8, 10, and 16 have been amended. Support for the amendment to claim 1 is found, *inter alia*, in the specification on page 3, lines 16-19 and lines 22-23. Support for the amendment to claim 2 is found, *inter alia*, in the specification on page 6, line 23, to page 7, line 2. Support for the amendment to claim 10 is found, *inter alia*, in claim 1 as originally filed. Claim 6 has been amended to correct a minor grammatical error. Claims 8 and 16 have been amended to recite the particular material instead of a trade name. Support for the amendment to claims 8 and 16 is found, *inter alia*, in the specification on page 3, line 11-13.

## **THE SPECIFICATION IS PROPER**

The Abstract stands objected to for reciting the phrase “the present invention” in lines 1 and 2 of the Abstract. Applicant files herewith a substitute Abstract where the phrase has been removed.

The Examiner has instructed Applicant to provide trademark designation for Flexiglass and Plexiglass. Proper trademark designation has been provided according to the Examiner’s recommendation.

## THE CLAIMS ARE PROPER

Claim 6 stands objected to for informalities. The Examiner alleges that “of” should be inserted between “each” and “the.” Applicant has amended the claim accordingly. Therefore, withdrawal of the objection is respectfully requested.

## THE CLAIMS ARE DEFINITE

Claims 8 and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting a brand name. Applicant has amended the claims to recite the particular material (acrylic) instead of the brand name. Therefore, Applicant respectfully requests withdrawal of the rejection.

## THE CLAIMS ARE NOT ANTICIPATED

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aldridge et al. (U.S. Patent No. 5,572,934). Applicant respectfully traverses the rejection.

Aldridge et al. fail to disclose every element of the claimed invention. In particular, Aldridge et al. fail to disclose a flower holder removably received in the opening as recited by currently amended claim 1.

Aldridge et al. disclose a perforated table for eating and cleaning seafood thereon. The perforations are designed to allow fluid to pass there through, but not “allowing small items such as crawfish tails or shrimp to pass” (see column 2, lines 55-57). Aldridge et al. do not disclose a flower holder removable received in the opening. Nor do Aldridge et al. disclose a table for flower arrangement. Moreover, Aldridge would not be appropriate to retain flowers or for use in the floral industry due to its size and the use of its rail, which would interfere with floral

arrangement and retain water on the top of the table. Aldridge is simply not capable of receiving a flower holder.

In addition, Aldridge does not teach that the openings receive the upper portion of a flower holder, while allowing the lower portion (which includes a handle) of passing through the opening. This limitation is required by claims 5, 13, and 19, and supported by at least paragraph 0012 of the published application.

Therefore, because Aldridge et al. fail to disclose every element of the claimed invention, the reference does not anticipate the present invention within the meaning of 35 U.S.C. § 102. Accordingly, Applicant respectfully requests withdrawal of the rejection.

#### THE CLAIMS ARE NOT OBVIOUS

Claims 6 and 8-9 stand rejected under 35 U.S.C. § 103(a) as being obvious over Aldridge et al. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being obvious over Aldridge et al in view of Chappell (U.S. Patent No. 4,524,701). Claims 10-14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Aldridge et al. in view of Zimmermann (U.S. Patent No. 5,375,370). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being obvious over Aldridge et al. in view of Zimmerman, and further in view of Chappell. Applicant respectfully traverses the rejection.

The cited references, taken alone or in combination, fail to disclose every element of the claimed invention. In particular, the references fail to disclose a flower holder being held in an opening. This defect was discussed above with respect to Aldridge et al. Further, this deficiency is not satisfied by any of the other cited references (Zimmermann and Chappell).

Zimmermann discloses a flower holder comprising a plate having a plurality of openings directed through the plate. The openings permit reception of individual flower stems therethrough, not a flower holder as recited by the amended claims (see abstract; and column 2, lines 55-57). The holder of Zimmermann is used to hold a single bouquet as the openings are designed to receive an individual flower stem (not a flower holder). This holder is analogous to the flower holder that is received by the present invention (but not the claimed stand) that is removably placed into the openings of the stand of the present invention. However, placing the flower holder of Zimmermann into the perforations of Aldridge et al. would be impossible. In column 2, lines 55-57, Aldridge et al. specifically disclose that

Perforations 26 are sized to allow liquid to pass freely therethrough without allowing small items such as crawfish tails or shrimp to pass.

Therefore, the perforations of Aldridge are sized to prevent objects from being received in them. Zimmerman discloses that the openings of her flower holder are to receive individual flower stems for the purpose of displaying the flowers. Therefore, one of ordinary skill in the art would surmise that the flower holders of Zimmermann are too large to fit into the perforations of Aldridge et al. Making the perforations of Aldridge et al. large enough to accommodate the flower holder of Zimmermann would render the table of Aldridge et al. unsatisfactory for its intended purpose. *See* MPEP 2143.01.

Chappell discloses a car seat table having apertures therein for holding condiments or cups. The Examiner relies on Chappell to teach a PVC holder. However, as discuss above, Aldridge et al. and Zimmerman, taken alone or in combination, are deficient in disclosing the present invention; and this deficiency is not satisfied by Chappell. Therefore, the combination of those references with Chappell cannot render the present invention obvious.

Moreover, with respect to claim 6, the Examiner alleges it would have been obvious “to size and space these holes according to any dimensions.” This rationale is not proper according to the disclosure of Aldridge et al. As discussed above, the perforations of Aldridge must be no larger than a crawfish tail or a shrimp. Claim 6 specifically recites an opening diameter of about 2 to about 4 inches. This is clearly larger than any crawfish tails. Therefore, having a perforation of about 2 to about 4 inches would render the table of Aldridge unsatisfactory for its intended purpose. *See* MPEP 2143.01.

In addition, with respect to claim 10, the Examiner alleges that the “stand of Aldridge et al. is capable of receiving flower bouquets.” Capability of function is not a test for obviousness. Applicant respectfully refers the Examiner to MPEP2141, where the proper test for obviousness is enunciated in accordance with *Graham v. John Deere*, 148 USPQ 459 (1966).

Finally, the cited prior art does not teach, either collectively or singly, that the openings receive the upper portion of a flower holder, while allowing the lower portion (which includes a handle) of passing through the opening. This limitation is required by claims 5, 13, and 19, and supported by at least paragraph 0012 of the published application.

Therefore, for the reasons noted, the cited references, taken alone or in combination, fail to render the claimed invention obvious. Accordingly, Applicant respectfully requests withdrawal of the invention.

## CONCLUSION

Applicant has responded to the Office Action mailed October 20, 2005. All pending claims are now believed to be allowable and favorable action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (119569-00101). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time. Any fees due are authorized above.

Respectfully submitted,



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